

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A MASTER AGREEMENT, ANCILLARY COMMUNITY FACILITY AND COST REIMBURSEMENT AGREEMENTS, A MASTER LICENSE AGREEMENT, WITH THE EXCHANGE OF INTERESTS IN RIGHT-OF-WAY AND PUBLIC STREETS AND EASEMENTS AND THE GRANTING OF EXCEPTIONS TO FISCAL REQUIREMENTS FOR CONSTRUCTION OF CITY IMPROVEMENTS WITH LION GABLES REALTY LIMITED PARTNERSHIP.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds that:

- (A) Lion Gables Realty Limited Partnership, a Delaware Limited Partnership ("Gables") has contracted to purchase and has proposed a mixed use development on the 4.524 acre "Lumbermen's Tract" generally bounded to the south by the City's "Sand Beach Reserve", to the west by Lamar Boulevard and to the north and east by the City's "Crescent Tract" (the "Project").
- (B) The City owns adjacent property known as the "Sand Beach Reserve", generally bounded on the north by Lumbermen's Tract, on the west by North Lamar Boulevard, on the south by Cesar Chavez Street and on the east by the Seahorn Power Plant property, and the "Crescent Tract", generally bounded by the Union Pacific Railroad Company right-of-way, the Lumbermen's Tract, and the Sand Beach Reserve.
- (C) The City plans to construct the extension of the Pfluger Pedestrian and Bicycle Bridge, the Bowie Street underpass, and the Lance Armstrong Bikeway in the vicinity of the Project.
- (D) Gables has offered, through a "Master Agreement" to participate in the design and construction of City right-of-way, water quality, and park improvements in and adjacent to the Sand Beach Reserve and the Project.
- (E) Gables has offered to design, construct, and maintain a section of pedestrian path and bike path improvements through the Project to provide interconnectivity to adjacent City pedestrian path and bike path improvements.

- 1 (F) Gables and the City desire to exchange interests in right-of-way and public
2 streets and other easements to provide for the reconfiguration of City streets
3 and the construction of other improvements by the City and Gables.
- 4 (G) Gables has offered to design and construct a City parking garage on the
5 City's Crescent Tract abutting the Project upon timely notices from the City.
- 6 (H) Ordering exceptions to certain fiscal requirements for Gables' construction
7 of City improvements is consistent with the goal of developing the City's
8 infrastructure in the Seaholm District.
- 9 (I) The construction of \$275,000.00 in park improvements by Gables will
10 support the goal of the development of City parkland in the Seaholm
11 District.
- 12 (J) Gables has offered to maintain certain City parkland, pedestrian path and
13 bike path, bio-filtration meadow, and streetscape improvements under a
14 Master License Agreement.
- 15 (K) The design and construction of the contemplated City improvements by
16 Gables will further the goal of development of the Seaholm District.
- 17 (L) Gables and the City agree that, subject to revisions for health and safety
18 purposes, the written, published requirements of the City Code and the
19 City's rules and regulations in effect on the date of the execution of the
20 Master Agreement will be applicable to the development of the design and
21 construction of the City infrastructure improvements to be constructed by
22 Gables for a period of five years.

23 **PART 2.** The Council authorizes the City Manager to negotiate and execute the
24 necessary documents to implement a Master Agreement, including incorporated
25 Community Facilities and Cost Reimbursement Agreements to design and construct the
26 improvements described in Part 1, a Master License Agreement for future maintenance of
27 certain improvements, and agreements for the exchange of right-of-way, public streets,
28 and other easements, and the future construction of the City parking garage with Gables,
29 including provisions to accomplish the goals described in Part 1.

30 **PART 3.** The following provisions of the City Code do not apply to the Master
31 Agreement and its related documents:

- 32 (A) the requirement in the City Code for fiscal security for the construction of
33 City right-of-way improvements, including Section 14-11-195 (*Security*
34 *Required*) and Section 25-1-112 (*Fiscal Security*);

- 1 (B) the requirement of Section 25-7-65 (*Fiscal Security Required*) of the City
2 Code for fiscal security for sedimentation and erosion control;
- 3 (C) the requirement of Section 25-7-65 (*Fiscal Security Required*) of the City
4 Code for fiscal security for the construction of a bio-filtration meadow;
- 5 (D) the requirement of Section 25-4-212 (*Dedication of Parkland Required*) and
6 Section 25-4-215 (*Payment Instead of Land*) of the City Code for parkland
7 dedication or fiscal or other payment; and
- 8 (E) the requirements in the City Code for fiscal security for the construction of a
9 pedestrian path and bike path in Gables property in a City pedestrian and
10 bike path easement, including Section 14-11-195 (*Security Required*) and
11 Section 25-1-112 (*Fiscal Security*).

12 **PART 4.** This ordinance takes effect on _____, 2005.

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14 **PASSED AND APPROVED**

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18 _____, 2005

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23 **APPROVED:** _____

24 David Allan Smith
25 City Attorney

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ATTEST: _____

Will Wynn
Mayor

Shirley A. Gentry
City Clerk